

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

JUN 21 2005

IN RE APPLICATION

OF: PEES ET ET AL.

CONFIRMATION No.: 5506

SERIAL No. 09/840,488

GROUP ART UNIT: 1624

FILED: APRIL 23, 2001

EXAMINER: MARK L. BIRCH

FOR: FUNGICIDAL

TRIFLUOROMETHYLALKYLAMINOTRIAZOLOPYRIMIDINES

I hereby certify that this correspondence  
is being faxed to the Commissioner for  
Patents in the United States Patent and  
Trademark Office Fax No: 703-872-9306  
on June 21, 2005.

(Sabine Berg)

Honorable Commissioner for Patents  
Alexandria, VA 22313-1450

REQUEST FOR SUSPENSION OF ACTION  
PURSUANT TO 37 C.F.R. §1.103(a)

Sir,

This is a Request for limited suspension of action pursuant to 37 C.F.R. §1.103(a) for a period of six months. This request is submitted along with applicants' Request for Continued Examination under 37 C.F.R. §1.114.

The suspension of action for the specified period of time is requested due to a pending Reissue procedure that will affect the merits of the current examination. The claims 1-9 of the above referenced application were rejected as being anticipated by **Pfengle** (US 5,982,534). However, Applicant has submitted an application to reissue US Patent No. 6,255,309 which issued in the parent of the present application. The reissue application was filed to correct a claim of priority in the parent case which claimed priority of PCT/US 98/05615 filed on

06/22/2005 SLUANG1 00000011 09840488

07/11/2005 BABRAHA1 00000078 141437 09840488

02 FC:1999 -130.00 OP-

01 FC:1463 70.00 DA 130.00 OP

Adjustment date: 07/11/2005 BABRAHA1

06/22/2005 SLUANG1 00000011 09840488

02 FC:1999 -130.00 OP

Serial No. 09/840,488

PEES et al.

ACY/33350-03

March 23, 1998. Pending issuance of the reissue application including the corrected claim to priority, the present application is entitled to an effective filing date which is prior to the earliest US filing date of Pfrengle, and therefore Pfrengle cannot be used as prior art. In light of the foregoing, it is respectfully solicited that the Applicant's request for suspension of action for the above specified period be granted.

The fee set forth in 37 CFR \$1.17(h) for \$130.00 is to be paid by credit card (form PTO-2038 enclosed).

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 14.1437. Please credit any excess fees to such deposit account.

Respectfully submitted,  
NOVAK DRUCE DELUCA & QUIGG, LLP



Jason W. Bryan  
Reg. No. 51,505

1300 Eye Street, N.W.  
400 East Tower  
Washington, D.C. 20005  
(202) 659-0100